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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/642,560 05/03/96 OKAMOTO

T REM-1

F3M1/0730

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EXAMINER

ART UNIT	PAPER NUMBER
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3304

DATE MAILED:

07/30/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6-2-97

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 36-38, 41-55 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 36, 37, 38 is/are allowed.

☒ Claim(s) 41-55 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Serial Number 08/642,560
Art Unit 3304
July 24, 1997

The Terminal Disclaimer filed on 6-17-97 is not proper and has not been accepted for the reasons below:

a) The Terminal Disclaimer does not satisfy Rule 321(b)(3) in that the person who has signed the Terminal Disclaimer has not stated the extent of the interest of the business entity represented by the signature.

b) No reel and frame number is specified to show evidence of a chain of title from the original inventor to the assignee. See 37 CFR 3.73(b).

c) No statement specifying "...that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief title is in the assignee seeking to take action." See 37 CFR 3.73(b).

Instead of writing his own Terminal Disclaimer, Applicant should consider filling out forms PTO/SB/25 and PTO/SB/96.

The provisional rejection of claims 36-38 and 41-55 under the judicially created doctrine of double patenting is maintained and incorporated herein because the Terminal Disclaimer was found to be improper.

The objection to the specification under 35 U.S.C. 112, first paragraph, is maintained and incorporated herein because it does not provide an enabling disclosure for the process claimed in (new) claims 21-35. To overcome this objection the Applicant needs to point out where in the specification and drawings said claims are enabled. A review of the specification does not show enabling text is for these claims and the drawings do not show the process now claimed.

Claims 41-55 are rejected under 35 U.S.C. 112, first paragraph, for the reasoning found in the objection to the specification under 35 U.S.C. 112, first paragraph.

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Claims 41-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. These claims are rendered in definite because of the non-enablement of them by the specification which leads to more than one interpretation of the claims.

Claims 36, 37 and 38 are allowable over the prior art of record.

Applicant's arguments filed June 2, 1997 have been fully considered but they are not deemed to be persuasive for reasons given above for claims 41-55.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning the specifics of this communication should be directed to Examiner Michael O'Neill, who can be reached Monday through Thursday. Inquiries of a general nature should be directed to the Group 3300 receptionist. Official responses can be filed 24 hours a day to the Official fax number listed below, subject to the provisions of 37 C.F.R. 1.6(d). Unofficial faxes which are intended to be seen by the Examiner should be sent to the Unofficial Fax number below; it is strongly suggested that the Examiner be contacted directly at the time of sending any Unofficial Fax.

Contact numbers:

Exr.	703-308-2656
Group 3300 Receptionist	703-308-0858
Group 3300 Official Fax	703-305-3590
Art Unit 3304 Unofficial Fax	703-308-2708

MICHAEL O'NEILL
EXAMINER

JESSICA HARRISON
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